

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Alexandria Division

IN RE:
JOHN PAUL PELAEZ
Debtor

Case No. 25-10671-KHK
Chapter 13

U.S. BANK NATIONAL ASSOCIATION
Movant

v.
JOHN PAUL PELAEZ
Debtor/Respondent
and
NANCY THU HIEN HO
Co-Debtor/Co-Respondent
and
THOMAS P. GORMAN
Trustee/Respondent

**MOTION FOR RELIEF FROM AUTOMATIC STAY AND CO-DEBTOR STAY
PURSUANT TO 11 U.S.C. § 1301(c)(3)**

U.S. Bank National Association (“Movant”) hereby moves this Court, pursuant to 11 U.S.C. § 362, for relief from the automatic stay, and pursuant to 11 U.S.C. § 1301(c)(3), for relief from the Co-Debtor stay, with respect to certain real property of the Debtor having an address of 13631 Dulles Technology Dr, Herndon, Virginia 20171 (the “Property”), for all purposes allowed by the Note (defined below), the Deed of Trust (defined below), and applicable law, including but not limited to the right to foreclose. In further support of this Motion, Movant respectfully states:

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1334 & 157.
2. A petition under Chapter 13 of the United States Bankruptcy Code was filed with respect to the Debtor on April 1, 2025.
3. A Chapter 13 Plan was confirmed on October 22, 2025.
4. The Debtor, John P. Pelaez, has executed and delivered or are otherwise obligated with respect to that certain promissory note in the original principal amount of \$690,074.00 (the

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“Note”). A copy of the Note is attached hereto as Exhibit 1. Movant is an entity entitled to enforce the Note.

5. Pursuant to that certain Deed of Trust (the “Deed of Trust”), all obligations (collectively, the “Obligations”) of the Debtor, John P. Pelaez and Co-Debtor, Nancy Thu Hien Ho under and with respect to the Note and the Deed of Trust are secured by the Property. The lien created by the Deed of Trust was perfected by recording of the Deed of Trust in the office of the Clerk of the Circuit Court of Fairfax County, Virginia. A copy of the recorded Deed of Trust is attached hereto as Exhibit 2.

6. The legal description of the Property is:

Condominium UNIT 154, LIBERTY PARK CONDOMINIUM, PHASE 2, as defined and described in the Declaration for Liberty Park Condominium, and the plats and plans thereto attached, as recorded in Deed Book 27540 at Page 1074, as amended to add Phase 2 in Deed Book 27708 at Page 2109, and any and all subsequent amendments thereto, as recorded among the Land Records of Fairfax County, Virginia.

TOGETHER WITH all common elements, appurtenances, rights and privileges thereto belonging as the same are contained and defined in the aforesaid Declaration, which shall include any and all future amendments thereto.

7. The Debtor was in default at the time the present bankruptcy was filed. The Debtor owed prepetition arrears of \$47,945.63. The prepetition arrearage is detailed in the Movant's Proof of Claim.

8. As of November 3, 2025, the outstanding amount of the Obligations due to the Movant, less any partial payments or suspense balance is:

Unpaid Principal Balance	\$665,789.68
Unpaid Accrued Interest	\$29,287.93
NSF Fees	\$0.00
Uncollected Late Charges	\$137.82
Mortgage Insurance Premium	\$1,115.34
Taxes and Insurance Payments on behalf of Debtor	\$17,917.16
Interest on Advance	\$0.00
Other Fees	\$0.00
Other Costs	\$3,555.19
Less Partial Payments	\$-5,827.84
Minimum Outstanding Obligations	\$711,975.28

9. The following chart sets forth the number and amount of postpetition payments due pursuant to the terms of the Note that have been missed by the Debtor as of November 3, 2025:

Number of Missed Payments	From	To	Monthly Payment Amount	Total Missed Payments
3	09/01/2025	11/01/2025	\$4,625.58	\$13,876.74
	Less postpetition partial payments (suspense balance):			\$-3,423.32

Total Postpetition Payments: \$10,453.42

10. The estimated value of the Property is \$749,100.00. The basis for such valuation is Debtor's Schedules.

11. Debtor(s) executed a promissory note secured by a mortgage or deed of trust. The promissory note is either made payable to Creditor or has been duly indorsed. Creditor, directly or through an agent, has possession of the promissory note. Creditor is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust.

12. Cause exists for relief from the automatic stay as the post-petition payments required by the confirmed plan have not been made and the Movant lacks adequate protection.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

1. Relief from the stay for all purposes allowed by the Note, the Deed of Trust, and applicable law, including but not limited to allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.

2. Relief from the co-debtor stay imposed by 11 U.S.C § 1301(a).

3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.

4. For such other relief as the Court deems proper.

Respectfully Submitted,

Dated: November 17, 2025

_____/s/ Barry Spear_____
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CERTIFICATE OF SERVICE

I certify that on this 17th day of November, 2025, the following person(s) were or will be served with a copy of the foregoing Motion for Relief from Automatic Stay, and Motion for Relief from Co-Debtor Stay Pursuant to 11 U.S.C. § 1301(c)(3) electronically via the CM/ECF system or by first class mail, postage prepaid:

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Dated: 11/17/2025

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